

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Masaaki ISHIKIORI, et al.

Application No.: 09/738,285

Group Art Unit: 2122

Confirmation No.: 2128

Filed: December 18, 2000

Examiner: Debra Charles

For: INFORMATION MEDIATING APPARATUS AND METHOD AND STORAGE MEDIUM
STORING INFORMATION MEDIATING PROGRAM THEREIN

REQUEST FOR REFUND TO DEPOSIT ACCOUNT
DUE TO PTO DELAY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On December 7, 2005, an Office Action was issued in this application. Applicants timely responded to the Action by filing an Amendment After Final Rejection on March 7, 2006. It is submitted that the final rejection was not proper as set for the Petition Requesting Withdrawal of Finality of Final Rejection filed March 7, 2006.

There was no communication received from the United States Patent and Trademark Office by the fully-extended Notice of Appeal due date of June 7, 2006. Thus, Applicants were forced by the USPTO delay to file an RCE (including filing fees of \$790.00, and extension of time fees of \$1020.00) on June 6, 2006 to keep the application alive.

It is submitted that for the above reasons, it should not have been necessary to file the concurrently filed RCE.

Accordingly, it is respectfully requested, because of the USPTO delay, that these fees in the amount of \$ 1810.00 be refunded to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 6, 2006

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